

**REMARKS/ARGUMENTS**

Applicant wishes to thank the Examiner for the thorough consideration given the present application. Claims 1-47 are presently pending. Claims 1-7 and 11-14 are amended. Claims 15-47 are new. Claims 1, 13, 15, 24, and 41 are independent claims.

In view of the amendments and the following remarks, the Examiner is respectfully requested to reconsider the claim rejections.

**Objections to the Specification**

The Examiner has objected to the Abstract because the claimed invention is directed only to a computer program, while the Abstract indicates that the invention is also a system, article of manufacture, operator-system interface, and propagated signal. Applicant respectfully submits that the Abstract has been amended to overcome this objection. In view of the amended Abstract, the Examiner is respectfully requested to withdraw this objection.

Further, the Examiner objected to the disclosure for various informalities on pages 2, 19, and 20. Applicant respectfully submits that the specification has been amended to overcome these objections. In view of the amended specification,

the Examiner is respectfully requested to withdraw this objection.

**Claim Rejections Under 35 U.S.C. § 101**

Claims 1-14 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Specifically, the Examiner asserts that the claims are directed to a computer program *per se* which is not fixed to a tangible computer readable medium or computer hardware.

Claims 1-12 have been amended so that they are directed to "[a] computer program executed on one or more processors." Accordingly, Applicant respectfully submits that the claimed subject matter is directed to a computer program, which has a functional interrelationship to computer hardware (i.e., processors).

Further, claims 13 and 14 have been amended to receive "[a] computer-readable medium having embodied thereon a computer program." Applicant respectfully submits that these claims are now properly directed to an article of manufacture.

Accordingly, Applicant respectfully submits that none of the claims, as amended, are directed to a computer program *per se*. Thus, the Examiner is respectfully requested to withdraw this rejection.

**Claim Rejections Under 35 U.S.C. § 103**

Claims 1-14 stand rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 6,369,908 to Frey et al. (hereinafter Frey) in view of U.S. Patent No. 5,983,236 to Yager et al. (hereinafter Yager). This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

Frey is directed to a photo kiosk 10, which includes a camera 19 for capturing an image of a user. Frey discloses that the captured image 206 is stored in memory, and displayed on a monitor 13 to allow the user to review the image. The Examiner apparently interprets the claimed term "format" very broadly, indicating that the format of an image displayed on an monitor is necessarily different than the format of the image when it is stored in a device. Also, the Examiner seems to suggest that an image stored on one type of storage device is inherently in a different format than an image stored on another type of device. See the Office Action at page 4, lines 1-3.

Thus, the Examiner apparently interprets Frey's teaching of displaying the captured image stored in memory as requiring a first conversion (i.e., from "memory format" to "display format"). Also, the Examiner apparently interprets the transfer of the image

from memory to the removable storage device 202 in Frey as requiring a second conversion (i.e., from "memory format" to "storage device format").

Without conceding the correctness of the Examiner's interpretation of Frey, Applicant has amended independent claim 1 to recite that the received image is converted into a common image file format, and that after processing, the processed image is converted from the common image file format into one of a plurality of different image file formats.

Applicant respectfully submits that Frey's disclosed conversions of an image between a memory format, a display format and a storage medium format is fundamentally different than the conversion of an image file format of an image.

Yager is directed to a data transfer system that allows a user to select video clips from a file server. Applicant respectfully submits that Yager fails to remedy the deficiencies of Frey, as set forth above. Specifically, Yager does not disclose, nor does the Examiner suggest that Yager discloses, converting any of the image file formats associated with the selected video clip.

Accordingly, Applicant respectfully submits that Frey and Yager fail to teach or suggest converting the image file format of a received image into a common image file format, and converting

the image into another image file format after processing, as required by independent claims 1 and 13. Accordingly, a *prima face* case of obviousness has not been established in connection with claim 1. Furthermore, Applicant respectfully submits that one of ordinary skill in the art would not have been motivated to combine the teaching of Frey and Yager. Specifically, Frey and Yager are not analogous prior art because they are neither directed to the same field of endeavor, nor reasonably pertinent to the same particular problem. Frey is directed to a kiosk for capturing still images of a user, while Yager is concerned with allowing a user to select video clips from a server. Thus, Applicant respectfully submits that one of ordinary skill in the art would not have been motivated to use the teachings of Yager in order to modify Frey.

At least for the reasons set forth above, Applicant respectfully submits that claims 1 and 13 are now in condition for allowance. Further, Applicant respectfully submits that claims 2-12 and 14 are allowable at least by virtue of their dependency on claims 1 and 13. Thus, the Examiner is respectfully requested to reconsider and withdraw this rejection.

### **New Claims**

Claims 15-47 have been added in the present application. It is respectfully submitted that these new claims do not add any new matter to the present application. Instead, Applicant submits that new claims 15-47 are fully supported and enabled by the present specification.

Further, Applicant respectfully submits that new independent claims 15, 24, and 41 are not anticipated nor rendered obvious by the cited prior art. Accordingly, Applicant respectfully submits that independent claims 15, 24, and 41 are allowable, and that claims 16-23, 25-40, and 42-47 are allowable at least by virtue of their dependency on claims 15, 24, and 41.

### **Conclusion**

In view of the above amendments and remarks, Applicant respectfully submits that the pending claims are now in condition for allowance. Accordingly, the Examiner is respectfully requested to issue a Notice of Allowance in connection with the present application.

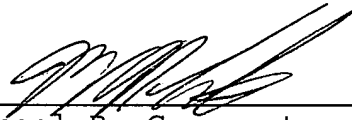
Should the Examiner believe that any outstanding matters remain in the present application, the Examiner is encouraged to contact Jason W. Rhodes (Reg. No. 47,305) at the telephone number of the undersigned in order to conduct an interview in connection

with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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